

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

JUNE 22, 1999

IN RE:)	
PETITION OF NATIONAL TELEPHONE)	DOCKET NO. 98-00554
ENTERPRISES FOR ALLOCATION OF AN N11)	
NUMBER (ABBREVIATED DIALING CODE))	

ORDER GRANTING ALLOCATION OF N11 ABBREVIATED DIALING CODE

This matter came before the Tennessee Regulatory Authority ("Authority") upon the Application of National Telephone Enterprises ("NTE") for an allocation of an N11 abbreviated dialing code ("Application"). The Application was made pursuant to BellSouth Telecommunications, Inc. General Subscriber Services Tariff, A39.1.2A, which requires that all requests for N11 Service be submitted in writing to the Authority.

FACTORS AND CRITERIA

In 1993, the Tennessee Public Service Commission ("TPSC") set forth criteria in Docket No. 92-13892 for the purpose of review for allocation of N11 dialing codes. The TPSC's criteria included: (1) the overall financial fitness of the applicant; (2) the technical ability and willingness of the applicant to provide the service on a permanent and continuous basis; (3) the ability and willingness of the applicant to abide by applicable TPSC rules and policies; (4) the rates, services and collection practices to be utilized by the applicant; (5) the extent and duration of the applicant's service to the local community; (6) anticipated future uses by the community of the proposed service being offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.

INTERVENORS

Public notice of the hearing in this matter was made by the Authority's Executive Secretary via Preliminary Agenda dated March 24, 1999, and Final Agenda dated April 1, 1999. No interested persons sought intervention prior to the hearing.

NTE'S HEARING

At the regularly scheduled Authority Conference held on April 6, 1999, NTE was represented by Brian A. Cute, Esq. of Helein & Associates, P.C., 8180 Greensboro Drive, Suite 700, McLean, VA 22102. In addition, Richard Cohen, President of NTE appeared to respond to questions by the Authority's Directors. The Directors asked a series of questions which addressed the nature of the services offered by NTE, the manner in which customers would access NTE's services, the rates being charged by NTE, and whether NTE's request for N11 allocation was an attempt to avoid certain requirements for 900 and 976 number services.

In answer to these questions, Mr. Cohen described NTE's services as voice personal dating services not unlike personal advertisements found in most newspapers and magazines throughout the country, where people look at the personal ad and respond to it, or place their own ad with the hope of meeting people in the community. The customer will dial "211" to be connected with NTE's voice automated system, and follow the subsequent directions to place or access a personal advertisement. Mr. Cohen stated that NTE had been approved for N11 allocation and was presently operating in Florida, Georgia, and Louisiana, states that are part of the territory of BellSouth Telecommunications, Inc. ("BST"). NTE desired to use N11 allocation due to its cost, Mr. Cohen explained, because in states where NTE utilizes 900 and 976 numbers, NTE charges 99 cents per minute as opposed to 35 cents per minute when utilizing N11.

When asked about consumer protection, Mr. Cohen responded that while consumers who use pay per call services are allowed 18 seconds to disconnect without cost, NTE would not charge for the first 59 seconds, so as to avoid consumer confusion or complaints. Mr. Cohen advised the Authority that a customer could call BST and have his or her line blocked from the service. In addition, by placing caps of \$75 per week and \$300 per month on a customer's account, NTE could block the service from any customer who may incur too many charges.

At the conclusion of the hearing, the Directors voted 2-1 to approve NTE's Application based upon the following findings of fact and conclusions of law:

APPLICANT'S QUALIFICATIONS

1. NTE was incorporated under the laws of the state of Pennsylvania in March of 1991 and received its Certificate of Authority to transact business in the State of Tennessee on October 6, 1998.

2. The address of NTE's principal place of business is 107 South 8th Street, Philadelphia, PA 19106. NTE's phone number is (215) 418-2700 and the fax number is (215) 627-9026. NTE's counsel of record is Brian A. Cute of Helein & Associates, P.C., 8180 Greensboro Drive, Suite 700, McLean, VA 22102.

3. The Application and supporting documentary information existing in the record demonstrate that NTE has experience in delivering audio text services in thirty (30) cities across the nation. NTE provides these services via 900 and 976 numbers in most cities and via an N11 number in the BellSouth region in Florida, Louisiana, and Georgia, and NTE was recently approved to offer N11 services in Alabama.

4. NTE employs sixty (60) individuals. NTE's President is Richard Cohen. Mr. Cohen has business experience in the financial service industry as a consultant to computer

systems engineers, with specialization in customizing cost efficient, user friendly software programs and developing informative customer service policies. Mr. Cohen is also the CEO of Prime Tel Communications, Inc. and is professionally affiliated with the Interactive Services Association, Telecommunications Resellers Association, and the Teleservices Industry Association. Jennifer Luna is Manager of NTE. Ms. Luna is responsible for the day to day operations of NTE and has experience in N11 operations. Ms. Luna has coordinated hardware installations at telecommunications facilities with computer systems engineers and local exchange carrier personnel in those states where NTE offers its services over N11 facilities. NTE contends that it has the technical ability to provide these services on a permanent and continuous basis.

5. NTE has demonstrated that it has the necessary capital and financial capability to provide the services it proposes to offer.

6. NTE has represented that it will adhere to all applicable policies, rules and orders of the Authority. NTE has also committed to abide by BST's Tariff A39, Abbreviated Dialing, and to utilize BST's Tariff A37, Billing and Collection Services. BST's Tariff A39.1.2A requires that all requests for N11 Service be submitted in writing to the Authority. The Authority has jurisdiction to allocate available N11 codes in the specified local basic calling areas. BST's Tariff provides that N11 numbers are subject to recall and reservation for national purposes by the North American Numbering Plan Administrator and rulings of the Federal Communications Commission ("FCC").¹ NTE has requested the three digit dialing code "211" in the BellSouth Telecommunications ("BST") Exchanges in Chattanooga, Knoxville, Memphis, and Nashville pursuant to BST's Tariff A39, Abbreviated Dialing. By letter dated October 8, 1998, BST advised the Authority that the N11 code "211" was available for assignment.

¹ For example, the N11 code of 411 is reserved for directory assistance and 911 is reserved for emergency calls.

NTE served copies of its Application on the local exchange carriers and competing local exchange carriers in Tennessee as of October 7, 1998. In its October 13, 1998, response to TRA data requests, NTE stated that no complaint has ever been lodged against NTE in any state or with the FCC. Further, NTE has committed to remit any charges to telephone bills incurred by minors and to block further use of NTE services from those telephone numbers receiving such credit.

PROPOSED SERVICE

NTE proposes to offer voice personal audio text services to customers who dial 211. Through this service NTE customers will be able to access personal information via a telephone key pad, place voice mail box personal ads, and respond to other voice personal ads or ads that appear in local newspapers. For these services, NTE proposes to charge a rate of \$.65 for the first minute and \$.35 per minute for each additional minute.

IT IS THEREFORE ORDERED:

1. That the application of National Telephone Enterprises, Inc. for allocation of the N11 dialing code "211" in the BellSouth exchanges of Chattanooga, Knoxville, Memphis and Nashville, subject to the requirements of BellSouth Telecommunications, Inc.'s Abbreviated Dialing Tariff A39, is granted;
2. That N11 numbers are subject to recall from general use on six months notice or by order of the Federal Communications Commission or any requirement established by the Administrator of the North American Numbering Plan (NANPA);²

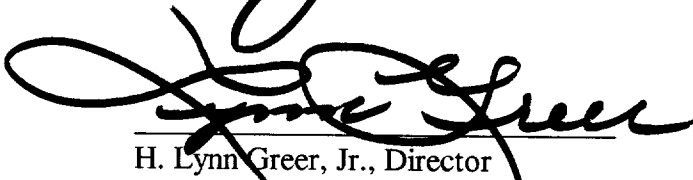
² Interim Order of TPSC, p.3, Docket No. 92-13892 entered on October 20, 1993.

3. That any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from the date of this order; and

4. That any party aggrieved by the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from the date of this Order.



Melvin J. Malone, Chairman



H. Lynn Greer, Jr., Director

Sara Kyle, Director

ATTEST:



David Waddell, Executive Secretary

***Director Kyle voted against the approval of NTE's Application.

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T.R.A.D.

INTERVENORS

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IT IS THEREFORE ORDERED:

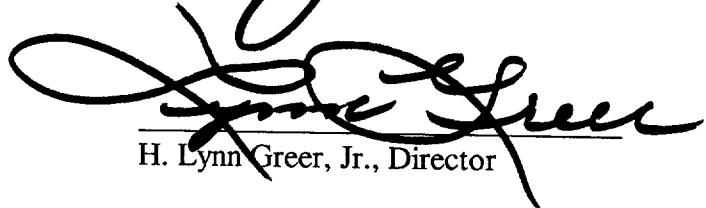
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Melvin J. Malone, Chairman


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